

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

ALEX HIXON,  
Plaintiff,

v.

No. 1:19-cv-00120-PLR-SKL

TENNESSEE VALLEY AUTHORITY  
BOARD OF DIRECTORS,  
Defendant.

**TENNESSEE VALLEY AUTHORITY'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Tennessee Valley Authority (TVA) respectfully moves for summary judgment on the grounds that there is no dispute as to any material facts, and TVA is entitled to judgment as a matter of law. Specifically, TVA's medical examinations of Plaintiff were job related and consistent with a business necessity. TVA did not refuse any requests by Plaintiff for a reasonable accommodation. TVA did not discriminate against Plaintiff on the basis of disability or protected conduct, and Plaintiff's return to work agreement constituted a valid last chance agreement. In support of this Motion, TVA relies upon the record in the case including TVA's previously filed declarations (Doc. 23 – Doc. 26), attachments to TVA's previously filed Response to Plaintiff's Motion for Partial Summary Judgment (Doc. 27), and the evidentiary materials filed herewith. For the reasons set forth in TVA's memorandum in support filed contemporaneously herewith, TVA requests that its motion for summary judgment be granted on all of Plaintiff's claims and that this action be dismissed with prejudice.

Respectfully submitted,

s/Mark A. Mohr

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### **CERTIFICATE OF SERVICE**

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s/Mark A. Mohr  
Attorney for Tennessee Valley Authority